IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

APPEAL NO.151 OF 2006
IN
NOTICE OF MOTION NO.1348 OF 2005
IN
SUIT NO.589 OF 2004

Praman Motors Ltd. & Anr. .. Appellant
V/s
Tata Motors Ltd. & Ors. .. Respondents

Mr.S.S.Hora with Mr.R.K.Singh for the Appellant.

Mr.I.M.Chagla, Senior Counsel with Mr.N.G.Thakker Senior Counsel with Mr.G.R.Joshi and Mr.B.H.Antia i/by M/s.Mulla & Mulla for Respondent No.1.

Mr.Tirath Singh for Respondent No.2.

CORAM: DR.S.RADHAKRISHNAN &
S.J.VAZIFDAR, JJ.

DATE : 19.04.2006.

P.C.:

1. Heard the learned Counsel for the parties. After hearing the learned Counsel for the parties for sometime, the parties have mutually agreed for passing an order in terms of the Minutes of the Order dated 17.04.2006. The Minutes of the Order dated 17.04.2006 signed by the Advocate for the Appellants, Advocate for the Respondent No.1 and the Advocate for Respondent No.2 are taken on record and marked ‘X’ for identification. There shall be an order in terms of the said Minutes of Order.

2. The learned Counsel for Respondent No.2 undertakes to file the Vakalatnama latest by 21st April, 2006. The learned Counsel for the Respondent No.2 however categorically states that he has the requisite authority to agree to the arrangement and has accordingly signed the Minutes of the Order.

2. As far as Clause No.2 in the aforesaid Minutes of the Order is concerned, the same shall stand deleted. However we make it clear that the impugned order dated 23.12.2005 shall stand suspended till the Award is made and published by the learned Arbitrator and received by the respective parties and for a period of 30 days thereafter.

3. We also make it clear that the order dated 23.12.2005 passed by the learned Single Judge will be subject to the final Award of the learned Arbitrator.

4. Needless to state that both the parties viz.the Appellant and the Respondents will co-operate with the learned Arbitrator so as to enable the learned Arbitrator to complete the said proceedings and make an Award within a period of six months. Both the parties are agreeable that the learned Arbitrator shall have the power to extend the time to make the Award.

5. Appeal accordingly stands disposed of, however with no order as to costs.

(DR.S.RADHAKRISHNAN, J.)

(S.J.VAZIFDAR, J.)